

Notice of Allowability

Application No.

10/632,678

Applicant(s)

BLASCHUK ET AL.

Examiner

Chih-Min Kam

Art Unit

1656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/8/05.
2. ☒ The allowed claim(s) is/are 34,35 and 55.
3. ☒ The drawings filed on 08 June 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 6/8/05
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

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DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 1656.

Status of the Claims

2. Claims 34, 35 and 55 are pending.

Applicants' amendment filed on June 8, 2005 is acknowledged. Applicants' response has been fully considered. Claims 34 and 35 have been amended, claims 1-8, 36-38 and 53-54 have been cancelled, and new claim 55 have been added. Thus, claims 34, 35 and 55 are examined.

Withdrawn Informalities

3. The previous objection to Figs. 12A-D and 30A, is withdrawn in view of applicant's submission of 3 sets of color photographs of Figs. 12A-D and a drawing of Fig. 30A, as well as amendment to the specification at page 21 regarding the color drawings, and applicant's response at page 6 of the amendment filed June 8, 2005.

Withdrawn Claim Objection

4. The previous objection to claims 34 and 35, is withdrawn in view of applicant's amendment to the claim filed June 8, 2005.

Withdrawn Claim Rejections - 35 USC § 112

5. The previous rejection of claims 34 and 35 under 35 U.S.C. 112, second paragraph, is withdrawn in view of applicant's amendment to the claim, and applicant's response at page 7 in the amendment filed June 8, 2005.

Withdrawn Claim Rejections - 35 USC § 112

6. The previous rejection of claims 34 and 35 under 35 U.S.C. 112, first paragraph, is withdrawn in view of Examiner's amendment to the claim, and applicant's response at page 7 in the amendment filed June 8, 2005.

Examiner's Amendment

An **Examiner's Amendment** to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey Hundley on July 28, 2005.

Examiner's Amendment to the Specification:

-Please replace the term "now pending" at page 1, line 6 with the term "now abandoned".

-Please replace the term "now pending" at page 1, line 7 with the term "now U. S. Pat. No. 6,610,821".

Examiner's Amendment to the Claims:

Claims 34 and 35 have been amended as follows:

34. (Currently amended) A method for ~~modulating~~ inhibiting vascular smooth muscle cell migration, comprising contacting a vascular smooth muscle cell with an effective amount of a cell adhesion modulating agent, and thereby ~~modulating~~ inhibiting vascular smooth muscle cell migration, wherein the cell adhesion modulating agent comprises a cyclic peptide having the formula:



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wherein Z_1 and Z_2 are independently selected from the group consisting of amino acid residues and combinations thereof in which the residues are linked by peptide bonds; wherein Z_1 and Z_2 independently range in size from 1 to 10 residues; and wherein X and Y are independently selected from the group consisting of amino acid residues, wherein a disulfide bond is formed between residues X and Y.

35. (Currently amended) A method for ~~modulating~~ enhancing vascular smooth muscle cell apoptosis, comprising contacting a vascular smooth muscle cell with an effective amount of a cell adhesion modulating agent, and thereby ~~modulating~~ enhancing vascular smooth muscle cell apoptosis, wherein the cell adhesion modulating agent comprises a cyclic peptide having the formula:



wherein Z_1 and Z_2 are independently selected from the group consisting of amino acid residues and combinations thereof in which the residues are linked by peptide bonds; wherein Z_1 and Z_2 independently range in size from 1 to 10 residues; and wherein X and Y are independently selected from the group consisting of amino acid residues, wherein a disulfide bond is formed between residues X and Y.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Min Kam whose telephone number is (571) 272-0948. The examiner can normally be reached on 8.00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleen Kerr can be reached at 571-272-0931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chih-Min Kam, Ph. D.

CMK

Patent Examiner

CMK

July 28, 2005



KATHLEEN M. KERR, PH.D.
SUPERVISORY PATENT EXAMINER